

114TH CONGRESS  
1ST SESSION

# H. R. 1946

To amend the Trade Act of 1974 to authorize the United States Trade Representative to take discretionary action if a foreign country is engaging in unreasonable acts, policies, or practices relating to the environment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2015

Mr. BLUMENAUER (for himself, Mr. KIND, Mr. NEAL, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. McDERMOTT, Mr. RANGEL, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Trade Act of 1974 to authorize the United States Trade Representative to take discretionary action if a foreign country is engaging in unreasonable acts, policies, or practices relating to the environment, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Trade and Environ-  
5 ment Enforcement Act” or “Green 301 Act”.

## 1 SEC. 2. ENVIRONMENTAL PROTECTION IN TRADE RELA-

## 2 TIONS.

3       Section 301(d)(3)(B) of the Trade Act of 1974 (19  
4 U.S.C. 2411(d)(3)(B)) is amended—

5                   (1) in clause (ii), by striking “or” at the end;

6                   (2) in clause (iii)(V), by striking the period at

7                   the end and inserting “, or”; and

8                   (3) by adding at the end the following new

9                   clause:

10                             “(iv) constitutes a persistent pattern  
11                             of conduct that—

19                         “(III) fails to provide for judicial  
20                         or administrative proceedings giving  
21                         access to remedies for violations of the  
22                         environmental laws of a foreign coun-  
23                         try;

24 “(IV) fails to provide appropriate  
25 and effective sanctions or remedies for

1                    violations of the environmental laws of  
2                    a foreign country; or  
3                    “(V) fails to implement environ-  
4                    mental commitments in agreements to  
5                    which a foreign country and the  
6                    United States are a party.”.

7   **SEC. 3. IDENTIFICATION OF FOREIGN COUNTRY TRADE**  
8                   **PRACTICES THAT NEGATIVELY AFFECT THE**  
9                   **ENVIRONMENT.**

10          (a) IN GENERAL.—Chapter 1 of title III of the Trade  
11 Act of 1974 (19 U.S.C. 2411 et seq.) is amended by add-  
12 ing at the end the following:

13   **“SEC. 311. IDENTIFICATION OF FOREIGN COUNTRY TRADE**  
14                   **PRACTICES THAT NEGATIVELY AFFECT THE**  
15                   **ENVIRONMENT.**

16          “(a) IDENTIFICATION.—  
17                “(1) IN GENERAL.—The Trade Representative  
18 shall identify those foreign country trade practices  
19 that cause negative environmental impacts on the  
20 protection of human, animal, or plant life or health,  
21 or the conservation of exhaustible natural resources  
22 in the United States, the foreign country, a third  
23 country, or internationally.

24          “(2) FACTORS.—In identifying foreign country  
25 trade practices under paragraph (1), the Trade Rep-

1           resentative shall take into account all relevant fac-  
2           tors, including—

3                 “(A) the strength of the connection be-  
4                 tween trade and the negative environmental im-  
5                 pact;

6                 “(B) the significance of the negative envi-  
7                 ronmental impact on the protection of human,  
8                 animal or plant life or health, or the conserva-  
9                 tion of exhaustible natural resources; and

10                 “(C) the costs and benefits of mitigating  
11                 the negative environmental impact through the  
12                 remedies described in this section.

13                 “(3) CONSULTATION.—In identifying foreign  
14                 country trade practices under paragraph (1), the  
15                 Trade Representative shall provide the opportunity  
16                 for input by and consultation with interested per-  
17                 sons, including private or nongovernmental organiza-  
18                 tions working towards environmental protection or  
19                 conservation, domestic industrial users of any goods  
20                 that may be affected by this section, and appropriate  
21                 Federal departments and agencies.

22                 “(b) REPORT.—

23                 “(1) IN GENERAL.—Not later than 270 days  
24                 after the date of submission of a report under sec-  
25                 tion 181(b) of this Act, and every 2 years thereafter,

1       the Trade Representative shall submit to the Com-  
2       mittee on Ways and Means of the House of Rep-  
3       resentatives and the Committee on Finance of the  
4       Senate and publish in the Federal Register a report  
5       on the foreign country trade practices identified  
6       under subsection (a).

7               “(2) MATTERS TO BE INCLUDED.—The Trade  
8       Representative may include in the report, if appro-  
9       priate—

10               “(A) a description of other foreign country  
11       trade practices that may in the future warrant  
12       inclusion in the report as foreign country trade  
13       practices that negatively affect the environment;  
14       and

15               “(B) a statement regarding other foreign  
16       country trade practices that negatively affect  
17       the environment that have not been identified  
18       because they are subject to other provisions of  
19       United States trade law, existing bilateral trade  
20       agreements, or trade negotiations, and progress  
21       is being made toward the mitigation, reduction,  
22       or elimination of the negative environmental im-  
23       pacts of such foreign country trade practices.”.

1       (b) CLERICAL AMENDMENT.—The table of contents  
2 for the Trade Act of 1974 is amended by inserting after  
3 the item relating to section 310 the following new item:

“Sec. 311. Identification of foreign country trade practices that negatively affect the environment.”.

